

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LAVEL MYNER BEST,	)	
	)	
Petitioner,	)	
	)	1:16CV242
v.	)	1:08CR60-2
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

On July 6, 2017, the Order and Recommendation of the United States Magistrate Judge was filed with the court and notice was served on the parties in this action in accordance with 28 U.S.C. § 636(b). Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

**IT IS THEREFORE ORDERED** that Petitioner's motion [Doc. #120] to vacate, set aside or correct sentence, as amended, be **DENIED**, and that this action be dismissed with prejudice. A judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a

debatable procedural ruling, a certificate of appealability is not issued.

This the 21<sup>st</sup> day of May, 2018.

/s/ N. Carlton Tilley, Jr.  
Senior United States District Judge